

Center for *Children's* Advocacy

TESTIMONY OF ATTORNEY MARTHA STONE ON BEHALF OF THE SHEFF v. O'NEILL PLAINTIFFS, IN SUPPORT OF THE OPEN CHOICE FUNDING IN HOUSE BILL 6385.

This testimony is submitted on behalf of the Sheff Plaintiffs in the lawsuit of Sheff v. O'Neill. Martha Stone is Executive Director of the Center for Children's Advocacy, and has been co-counsel in Sheff since its filing in 1989. The Sheff Plaintiffs support Sections 12 (g)(2) and 13(2) of this bill which provide for increased funding for districts participating in Open Choice, but urge this Committee to amend it by adding provisions which a) provide for graduated incentives to districts, depending on the number of students they take, up to at least \$6,000 and b) authorize the Commissioner of the State Department of Education to mandate participation by the suburban districts to supplement the monetary incentives.

I. THE DEMAND FOR OPEN CHOICE SEATS FAR EXCEEDS THE AVAILABILITY.

State officials recently ran a lottery determining which Hartford children will be granted the opportunity to receive a quality education in an integrated setting. Too many eagerly awaiting children will be turned away. The extensive wait list for inter-district choice transfers is a testament to the desire and need for more available suburban seats. As of February 16, 2011, 3,455 Hartford children applied to be a part of the Open Choice program for the next school year (2011-2012). Currently, 1,301 students are enrolled in the Open Choice program.

Without significant incentives and a mandate to require participation, many of these students will be turned away. Last year, while the Department of Education had requested the participating districts to put forth 1,045 new Open Choice seats for this current school year to help meet the overwhelming demand, the suburban districts yielded a paltry 62 additional new seats. This result occurred despite the fact the State's own School Capacity Study shows significant excess seats available in many of those districts.

II. OPEN CHOICE HAS BEEN AND IS A SUCCESSFUL REMEDY TO ACHIEVE INTEGRATION AND QUALITY EDUCATION.

Hartford students who have participated in Open Choice over the years have achieved long-standing success. According to a 2007 report on Project Choice conducted by Harvard researchers, and based on the state's own data, Hartford students in Open Choice far outperform their city colleagues. "In addition to the long term benefits of diversity for students and society, there is recent evidence that Hartford students participating in Project Choice are doing better on standardized achievement tests. More than half of Project Choice students are performing at or above proficiency on state standardized tests in both mathematics and reading, rates that are higher than their Hartford Public School peers and black and Latino students statewide. ... The youngest Project Choice students also show impressive academic gains. In the 'Early Beginnings' program, an interdistrict kindergarten program (offering half day kindergarten along

with a full day enrichment option in selected suburban districts), Hartford students had large gains in language acquisition.”

See <http://www.sheffmovement.org/pdf/ProjectChoiceCampaignFinalReport.pdf>

III. INCREASING FUNDING INCENTIVES FOR OPEN CHOICE IS NECESSARY TO ACHIEVE THE GOALS OF THE SHEFF STIPULATION AND ORDER

The Sheff Stipulation and Order approved by the Court and this legislature in June, 2008 required in Year 2 that the state reach a goal of 27% of Hartford students in reduced isolation settings. Over plaintiffs’ objection, the Court found that the State had met its Year 2 goal but it did so only by relying on “Reverse Choice” students, most of whom were students of color, coming into the Hartford district. The goal in the State’s Comprehensive Management Plan for Year 3 was to reach 35%. Sadly, the State saw only a .7% gain, going from 27.3%, to 28%. The State is far from its mandated goal for year 5 in the Stipulation to reach a minimum of 41% of Hartford students in a reduced isolation setting, or 80% of demand.

The Sheff plaintiffs and the Commissioner of Education agree that to fulfill the Connecticut Supreme Court’s mandate to reduce racial and ethnic isolation in Hartford’s schools, and to meet the requirements of the June 2008 Court Order, the Open Choice Program must be expanded dramatically. The goal for the current school year for students participating in Open Choice was 1800. **The State fell short of this goal by 500 students.** The fact that only 1,301 Hartford students were able to participate was directly related to the failure of the suburban districts to make more seats available. The State’s goal in its Comprehensive Management Plan for next school year, 2011-12, is for 2,200 children to be educated through the Open Choice program. The State will fall woefully short of this goal unless increased funding under a graduated incentive structure is put in place.

IV. ADDITIONAL PROVISIONS ARE NEEDED TO GRANT AUTHORITY TO THE COMMISSIONER OF THE STATE DEPARTMENT OF EDUCATION TO MANDATE SUBURBAN DISTRICTS TO PARTICIPATE IN OPEN CHOICE

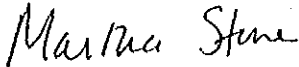
In the absence of additional provisions bestowing authority upon the SDE Commissioner to mandate suburban participation in Open Choice, the suburban districts will not willingly and significantly increase their participation through funding incentives alone. The history of Open Choice sadly supports this premise. While an increase in state funding for Choice in 1999 did reverse a 9 year decline, such incentive yielded incremental results and was short-lived. Indeed, in the last six years, 32 suburban districts have made available a total of only 232 seats. In fact, this year, the districts have made available only 62 new seats—75 less seats than the previous year—evidencing a backslide, despite a present court mandate. Given the political realities and complicated boards of education’s concerns, there is no reason to believe that additional funding, without graduated incentives, will cause the districts to significantly increase the number of seats necessary to meet the Sheff mandates.

V. OPEN CHOICE SHOULD BE ONLY ONE OF A NUMBER OF REMEDIES TO MEET THE SHEFF MANDATES

While the Sheff plaintiffs strongly support this Bill, it should in no way signal that the plaintiff team is abandoning its commitment to the other desegregation options. Nor should the legislature, in strengthening Open Choice, retreat from its commitment to magnet schools. A majority of Hartford's children are still attending racially isolated schools and the integration goals shared by the Sheff plaintiffs and state and local officials can only be reached by employing every voluntary desegregation method available, including opening up new seats in magnet schools. In 2010 alone, 2,736 Hartford children were placed on a waitlist for seats in magnet schools. Studies done by the State Department of Education show that magnets are "raising the educational attainment level of participating students throughout the state through high-quality, racially/economically integrated education," confirming an earlier study by the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School, documenting that diverse schools like the magnets in the Hartford metropolitan area result in improved math and reading achievement, improved critical thinking, and reduced racial stereotyping.

Instead of relying on any one method, the Commissioner and state legislators should be trying to strengthen all the options, including technical schools, vo-ag schools, magnets, charters, and Open Choice.

Respectfully submitted,



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